

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KRISTEN MANGIERO,

Plaintiff(s),

08-CIV-1970 (JSR)

-against-

WALGREEN CO., WELLA PERSONAL CARE
OF NORTH AMERICA, THE WELLA CORPORATION
and PROCTER AND GAMBLE DISTRIBUTING
COMPANY,

Defendant(s)
-----X

JOINT MOTION TO REMAND MATTER TO STATE COURT

Counsel for the plaintiff and counsel for the defendants hereby jointly move this Honorable Court, pursuant to 28 U.S.C. § 1447, for an Order remanding this case to the Richmond County Supreme Court. In support of this motion, counsel for the parties hereby state the following:

- (1) This case was originally filed by the plaintiff in the Supreme Court for the State of New York located in Richmond County.
- (2) This case involves parties who are diverse to each other.
- (3) The defendants in this case removed this case to this Federal Court on the basis of diversity.
- (4) Following the removal, plaintiff's counsel indicated that her client was not seeking damages in excess of seventy five thousand dollars (\$75,000). At the request of defense counsel, plaintiff's counsel stipulated that the amount in controversy, inclusive of interest and costs, did not exceed seventy-four thousand nine hundred ninety-nine dollars (\$74,999.00), and further stipulated that under no circumstances shall any recovery in this matter exceed seventy-four thousand nine hundred ninety-nine dollars (\$74,999.00). (See Stipulation, attached hereto as "**Exhibit A**").

(5) Given that plaintiff's counsel has now clarified that the amount in controversy does not satisfy this Court's jurisdictional requirements under 28 U.S.C. § 1332(a), it is appropriate that this matter be remanded to the Richmond County Supreme Court.

WHEREFORE, for the foregoing reasons, the parties hereby jointly move that this matter be remanded to the Richmond County Supreme Court.

Dated: White Plains, New York
March 19th, 2008

GOLDBERG SEGALLA, LLP

By: s/ Brian T. Stapleton
Brian T. Stapleton, Esq. (BS5640)
170 Hamilton Avenue, Suite 203
White Plains, New York 10601
(914) 798-5400
Attorney for the Defendant
The Wella Corporation and
The Procter & Gamble Distributing Company

MINCHEW SANTNER & BRENNER, LLP

By: s/ Jamie M. Minchew
Jamie M. Minchew, Esq. (JM5877)
1741 Victory Boulevard
Staten Island, New York 10314
(718) 727-7700
Attorney for the Plaintiff
Kristen Mangiero

104721.1

CERTIFICATE OF SERVICE

I hereby certify that on March 19th, 2008, a copy of the foregoing Joint Motion for Remand was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

By: s/ Brian T. Stapleton
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EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
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Plaintiff(s),

08-CIV-1970 (JSR)

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Defendant(s)
-----X

STIPULATION REMANDING MATTER TO STATE COURT

IT IS HEREBY STIPULATED AND AGREED, by and between the below-named
counsel for the parties to the above-captioned matter as follows:

WHEREAS this case was originally filed by the plaintiff in the Supreme Court for the State
of New York located in Richmond County; and

WHEREAS this case involves parties who are diverse to each other; and

WHEREAS the defendants in this case removed this case to this Federal Court on the basis
of diversity; but

WHEREAS that the amount in controversy, inclusive of interest and costs, does not exceed
seventy-four thousand nine hundred ninety-nine dollars (\$74,999.00), and the plaintiff has agreed
that under no circumstances shall any recovery in this matter exceed seventy-four thousand nine
hundred ninety-nine dollars (\$74,999.00);

It is therefore stipulated and agreed that it is appropriate that this matter be remanded to the

Supreme Court of the State of New York for the County of Richmond.

Dated: White Plains, New York
March 7, 2008

GOLDBERG SEGALLA, LLP

By: s/
 Brian T. Stapleton, Esq. (BS5640)
 170 Hamilton Avenue, Suite 203
 White Plains, New York 10601
 (914) 798-5400
Attorney for the Defendant
The Wella Corporation and
The Procter & Gamble Distributing Company

MINCHEW SANTNER & BRENNER, LLP

By: /s/ [Signature]
 Jamie M. Minchew, Esq. (JM5877)
 1741 Victory Boulevard
 Staten Island, New York 10314
 (718) 727-7700
Attorney for the Plaintiff
Kristen Mangiero

SO ORDERED:

Jed S. Rakoff, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ORDER REMANDING MATTER TO STATE COURT

After consideration of the Joint Motion for Remand filed by counsel for the plaintiff and counsel for the defendants (Document No.), the motion, the premises being fully considered, is hereby GRANTED.

This matter is hereby remanded to the Supreme Court for the State of New York located in Richmond County for further proceedings under the Index Number originally purchased by the plaintiff (104481-2007).

IT IS SO ORDERED.

JED S. RAKOFF
UNITED STATES DISTRICT JUDGE